

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI

In re:)
) Case 18-41695-drd
Rebecca J. Wilson,)
) Chapter 13
Debtor,)

OBJECTION TO PROOF OF CLAIM 10

Comes now Movant, Rebecca J. Wilson, and hereby objects to the Proof of Claim filed by creditor, First Federal Bank of Kansas City, in the amount of \$187,254.43, and filed on August 28, 2018. The court claim number is 10.

Your claim may be reduced, modified, or eliminated. You should read this document carefully and discuss it with your attorney, if you have one.

Pursuant to Local Rule 3007-1 (C), the Claimant shall have 30 days after service of the Objection in which to file a Response, if you do not want the court to eliminate or change your claim. The Response shall be in writing and state why the claim should be allowed as filed. If a Response is filed, the Court will schedule a hearing. If no timely Response is filed, the Court will enter an Order sustaining the Objection to the Claim. Parties not represented by an attorney shall mail a Response to the Court at **U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106**. Debtor(s) not represented by an attorney must be served a copy of the Response by regular mail. If your Response is mailed, it must be early enough so that the court will receive it on or before 30 days after service of the Objection.

The basis for the objection is as follows: (PLEASE CHECK ONLY THE APPLICABLE BOXES)

- ☐ The deadline for filing proofs of claim expired prior to the filing of the claim, so the claim should be disallowed in its entirety. (Not applicable in Chapter 7)
- ☐ The claim should be disallowed entirely because_____.
- ☐ The claim should instead be allowed as a (secured, priority, or unsecured) claim in the amount of \$_____ because_____.
- ☐ The claim should instead be allowed as secured in the amount of \$_____and unsecured in the amount of \$_____because_____.
- ☒ Other

1. Debtor is owner of a home residence. First Federal Bank of Kansas City (“First Federal”) is holder of two promissory notes secured by a senior and junior Deed of Trust on the property.

2. The senior mortgage is paid as a conduit through the plan. The junior mortgage is to be paid in full.

3. This objection pertains to the senior mortgage. Per its Proof of Claim, First Federal alleged pre-petition arrearage of \$11,710.23. This amount was listed on the face of the claim. The same amount is displayed on the Trustee’s site as pre-petition arrears to be paid. However, Attachment 2 of the claim (Official Form 410A) shows pre-petition arrears of \$8,831.03. The attachment lists unpaid principal and interest of \$8,834.35, less funds on hand of \$3.32, for total arrears of \$8,831.03.

4. Debtor objects to claim 10. The claim is internally inconsistent as to the pre-petition arrearage. Debtor believes Attachment 2 should be controlling, because it is more detailed than the face amount listed in the Proof of Claim. Also, in the initial plan, Debtor estimated arrears of \$8,400.00. This amount is closer to the amount in Attachment 2.

WHEREFORE, Debtor respectfully requests this Honorable Court issue an Order determining the pre-petition arrearage in Proof of Claim 10 to be \$8,831.03; and to issue such further relief as the Court deems just and proper.

April 28, 2021

Respectfully submitted by:

s/ Patrick Wiesner

Patrick Wiesner, Attorney at Law

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CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a copy of the Objection to Proof of Claim 10 was served on April 28, 2021, either electronically or by the U.S. Mail, to the following parties:

Rebecca J. Wilson
12709 Oakmont Dr
Kansas City, MO 64145

First Federal Bank
6900 North Executive Dr
Kansas City, MO 64145

Lewis Rice, LLC
ATTN: Kenneth C. Jones
10484 Marty St
Overland Park, KS 66212

Respectfully submitted by:

s/ Patrick Wiesner
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